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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,909	09/25/2003	Alexander Hahn	870-003-161	8472
4955	7590	01/25/2006		
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			EXAMINER SCHINDLER, DAVID M	
			ART UNIT 2862	PAPER NUMBER
DATE MAILED: 01/25/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/671,909	<b>Applicant(s)</b> HAHN, ALEXANDER 	
	<b>Examiner</b> David Schindler	<b>Art Unit</b> 2862	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



**Bot Ledyne**  
Primary Examiner

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is in response to the communication received 11/11/2005.

#### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, 1) the reduction gear linkage being arranged annularly around a portion of the shaft and 2) the connecting member extending around the outer periphery of the first signal-turn rotary encoder as stated in Claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claims 1, 5, 6, 8, 10, 11, 12, and 13 are objected to because of the following informalities:

As to Claim 1,

The term "a" on line 9 is awkward and it is recommended to instead use the term "of."

As to Claim 5,

This claim appears to have an incorrect claim dependency as it appears that this claim should depend from claim 4.

As to Claim 6,

The phrase "a permanent magnet" on line 3 is unclear as it is not clear if this magnet is in addition to the magnet of claim 4.

The phrase "the magnet" on line 3 lacks antecedent basis as it is not clear if this phrase refers to the magnet mentioned in claim 6, or the magnet mentioned in claim 4.

As to Claim 8,

It is recommended to replace the term "those" on line 4 with the phrase "the first and second rotary encoders."

As to Claim 10,

The term "send" on the last line is awkward and unclear. Claim 10 is currently listed with the status of original, however this term does not seem to appear in the original claim.

The phrase "the motor shaft" on line 3 lacks antecedent basis.

The phrase "that shaft" on the last line is awkward and lacks antecedent basis.

Appropriate correction is required.

As to Claim 11,

The term "end" on line 2 is awkward and unclear. Claim 11 is currently listed with the status of original, however this term does not seem to appear in the original claim.

The phrase "the sensors" on line 2 lacks antecedent basis. Note that this claim depends from claim 4 in which only one sensor is disclosed.

The phrase "rotary encoder" on line 3 is awkward and it is recommended to instead use "rotary encoders."

As to Claim 12,

It is recommended to replace the phrase "the two rotary encoders" on line 4 with the phrase "the first and second rotary encoders."

As to Claim 13,

It is recommended to replace the phrase "the two rotary encoders" on lines 3-4 with the phrase "the first and second rotary encoders."

The phrase "the output signals" on line 3 lacks antecedent basis.

***Allowable Subject Matter***

4. The following is an examiner's statement of reasons for allowance:

As to Claim 1,

The primary reason for the allowance of claim 1 is the inclusion of the connecting member extending around the outer periphery of the first single-turn rotary encoder. It is these features found in the claim, as they are claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes this claim allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

5. Applicant's arguments have been considered. The amended claims submitted 11/11/2005 are in condition for allowance except for the above noted formal matters.

With regard to applicant's arguments in lines 1-4 of the first full paragraph of page 2 of the Remarks, the Examiner respectfully disagrees. The claims recite "a reduction gear linkage drivable by the shaft and being arranged annularly around a portion of the shaft" as stated on lines 12-14 of Claim 1. The Examiner notes that the feature (12) which is a part of the reduction mechanism mentioned in lines 18-35 of

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column 6 of Kaiser et al. will be annularly around the bottom portion of the shaft (see Figures 1a and 1b).

***Conclusion***

6. This application is in condition for allowance except for the following formal matters:

See the above Claim and Drawing Objections.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Schindler whose telephone number is (571) 272-2112. The examiner can normally be reached on M-F (8:00 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Schindler  
Examiner  
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DS